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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/750,475

12/28/2000

Lynh Nguyen

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SUGHRUE MION PLLC

USPTO CUSTOMER NO WITH IBM/SVL

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2452

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12/28/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/750,475	NGUYEN, LYNH	
	Examiner	Art Unit	
	DOHM CHANKONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,6-8,13-15,18-22 and 24 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1, 6-8, 13-15, 18-22, and 24 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This final rejection is in response to Applicant's amendment filed on 10/20/2011.

Applicant amends claims 1, 8, and 15, cancels claims 2-5, 9-12, 16, 17, and previously cancelled claim 23. Accordingly, Applicant presents claims 1, 6-8, 13-15, 18-22, and 24 for further examination.

I. RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 1, 6-8, 13-15, 18-22, and 24 have been considered but are moot in view of the new ground(s) of rejection.

II. CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yousefi'zadeh*, U.S. Patent No. 6950848 in view of *Guenthner et al*, U.S Patent No. 5.134.588 [*"Guenthner"*], in further view of *Albert et al.*, U.S. Patent No. 6549516 [*"Albert"*].

Claims 1, 8, and 15

Yousefi'zadeh as modified by *Guenthner* and *Albert* discloses a method, apparatus and program product (hereinafter a "system") comprising:

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providing at least one interface module [*Yousefi'zadeh*, Fig. 3 «item 28»] to interface with a remote application [*Yousefi'zadeh*, Fig. 3 «item 34»];

providing port module to interface between interface module and data source [*Yousefi'zadeh*, Fig. 3 «item 32»: the LB module connecting the web control module to the database];

providing a connection manager to facilitate between the interface module and port module [*Yousefi'zadeh*, Fig. 3 «item 18»];

detecting unavailability of the data source, by the at least one port module, in response to an initial request for the data source by the remote application [*Yousefi'zadeh*, column 5 «lines 6-21»: disclosing "the LB module 32 monitors the state of the respective database servers" | column 12 «lines 24-31»: where the LB module detects when a server becomes unavailable];

dynamically detecting availability of the data source, by the at least one port module, in response to a subsequent request for the data source [*Yousefi'zadeh*, column 5 «lines 6-21»: disclosing the module monitors the state of the respective database servers & *Guenthner*, column 9 «lines 16-35»: disclosing detecting whether a server has become available]; and

reconnecting the data source to the remote application in response to the subsequent request [*Guenthner*, column 9 «lines 16-35»],

wherein the at least one port module sends an error message to the interface module indicating the unavailability of the data source [*Guenthner*, Fig. 6 «item 112»], reestablishes a connection with the data source, and reconnects the remote application to the data source [*Guenthner*, column 9 «lines 16-35»] directly communicating with the remote application

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[*Albert*, Fig. 2a «items 201, 231»: the forwarding agent (i.e., port module) directly communicating with the client (i.e., remote application)], and

wherein the at least one port module bypasses the connection manager in the subsequent request [*Albert*, column 13 «lines 4-8»: disclosing the “future” (i.e., subsequent) packets are handled directly by the forwarding agent and bypasses the service manager (i.e., connection manager)].

Yousefi'zadeh does not explicitly disclose:

(1) dynamically detecting availability of the data source, reestablishes a connection with the data source, and reconnecting the data source to the remote application in response to the subsequent request;

(2) wherein the at least one port module sends an error message to the interface module indicating the unavailability of the data sources; and

(3) directly communicating with the remote application and bypassing the connection manager. However, these features were well known in the art at the time of Applicant's invention as evidenced by *Guenthner* and *Albert*

1. *Guenthner* discloses the steps of detecting the availability of a data source in response to a subsequent request and reconnecting to the data source when it becomes available.

While *Yousefi'zadeh* discloses monitoring the status of the database (i.e., data source), *Yousefi'zadeh* is silent as to detecting the availability of the data source in a subsequent request. In a similar field of invention, *Guenthner* discloses detecting unavailability of a data source in response to a request for the data source [column 9 «lines 18-20»], dynamically detecting

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availability of the data source and reconnecting to the data source in response to a subsequent request [column 9 «lines 16-35»].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified *Yousefi'zadeh's* port module to include the techniques described above in *Guenthner*. One would have been motivated to provide such a combination to enhance a client's experience by ensuring availability of data sources [*Guenthner*, column 1 «lines 65-67»]. These features improve upon *Yousefi'zadeh's* system by enabling a port module to reconnect to a database that had previously failed but is available again.

2. *Guenthner* discloses wherein the at least one port module sends an error message to the interface module indicating the unavailability of the data sources.

Guenthner discloses the sending an error message to the interface module indicating the unavailability of the data source [*Guenthner*, Fig. 6 «item 112»] but does not expressly disclose a port module that returns the error message. However, because error messages that indicate the unavailability of data sources were well known in the art, implementing the error message functionality at a device that sits between the client and the data source (e.g., *Yousefi'zadeh's* port module) would have been obvious to one of ordinary skill in the art because there are only a limited number of devices from which the error message could be sent. *See* MPEP § 2143 (obvious to try because there are only a finite number of identified solutions - the error message could be sent from the data source or the port module).

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3. The combination of *Yousefi'zadeh* and *Albert* discloses a port module that reconnects a remote application the data source by directly communicating with the remote application and bypassing the connection manager.

As noted in the foregoing mapping, *Albert* discloses a service manager (i.e., connection manager) that helps establish an initial connection between a client and a forwarding agent (i.e., port module because it interfaces with a data source). Subsequent requests are handled directly between the client and the forwarding agent (i.e., bypassing the service manager).

It would have been obvious to one of ordinary skill in the art to have modified *Yousefi'zadeh's* port module to include the bypassing feature described above in *Albert*. Such a modification to *Yousefi'zadeh's* system is an example of using a known technique (*Albert's* teaching of bypassing the service manager for future requests) to improve similar systems in the same way. See MPEP § 2143. The modification would result in future requests bypassing *Yousefi'zadeh's* web server (which is akin to the claimed connection manager and *Albert's* service manager as all three are responsible for connecting the client to the port module).

Claims 6, 7, 13, 14, 18, 19, and 24

Yousefi'zadeh as modified by *Guenthner* and *Albert* discloses re-establishing a connection between the port module and the data source independently from initialization of the connection manager, i.e., without re-initializing the connection manager [see *Guenthner*, Figure 8 | column 9 «lines 32-35» : reconnecting independent of the nameserver (i.e., the name server does not need to be initialized in order to reconnect the client to the server)].

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Claims 20-22

Yousefi'zadeh as modified by *Guenthner* and *Albert* discloses connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications [*Albert*, column 13 «lines 4-8»: disclosing the “future” (i.e., subsequent) packets are handled directly by the forwarding agent and bypasses the service manager (i.e., connection manager)].

See rejection of claim 1 for reasons to combine *Yousefi'zadeh* and *Albert*.

III. CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452